

ORDINANCE NO. 1561

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 13.16 • SOLID WASTE
RELATING TO INDUSTRIAL WASTE COLLECTION AND RECYCLABLE MATERIALS.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 13.16 - SOLID WASTE - is hereby amended by adding to Section 13.16.010 a new definition to read as follows:

"Recyclable materials" means any material which is to be reused and/or re-manufactured into a new product. Any industrial waste material which is directed to a landfill or incinerator shall not be designated as a recyclable material for purposes of this chapter."

SECTION 2. Lodi Municipal Code Chapter 13.16 • SOLID WASTE - is hereby amended by adding thereto an Article 11, relating to industrial waste collection, to read as follows:

ARTICLE II

INDUSTRIAL WASTE.

Section 13.16.160. INDUSTRIAL WASTE COLLECTION AND
TRANSPORTATION RESTRICTED.

Except as provided in this chapter and on the conditions contained herein, it shall be unlawful for any person or firm to collect or transport industrial waste within the city limits of Lodi. The term "industrial waste" shall not include recyclable materials when such materials are segregated from other types of waste, as defined in this chapter.

Section 13.16.170. PERMIT REQUIRED.

A. No person or firm shall engage in the collection or transportation of industrial waste within the City of Lodi without first obtaining from the Finance Department a non-exclusive permit for such activities and paying an annual permit fee in an amount to be set from time to time by resolution of the City Council, adopted pursuant to this ordinance. Such permit fee shall be in addition to any other annual business license fees or franchise fees. The City Council hereby finds and declares that such fee is necessary and proper to defray the costs of required monitoring, accounting and record-keeping in order to comply with State Solid Waste Management statutes including but not limited to Public Resources Code Section 40000 et seq.

B. Permittees under this ordinance shall be required to furnish to the City of Lodi the following:

1. A certificate of insurance for vehicle and general liability in an amount not less than one million dollars (\$1,000,000), plus proof of Workers Compensation coverage.
2. Proof of inspection by the California Highway Patrol and/or the San Joaquin County Health Department of all vehicles used for the hauling of industrial waste.
3. A bond for potential defaults or failures to pay franchise fee in an amount to be determined by the Finance Director.

Section 13.16.180. FRANCHISE FEE.

All persons or firms engaged in the collection or transportation of industrial waste shall pay to the City an annual franchise fee equivalent to four percent (4%) of the gross revenues for such collection and/or transportation.

Section 13.16.190. INDUSTRIAL WASTE; PROCESSING THROUGH MATERIALS RECOVERY FACILITY (MRF).

All persons and firms engaged in the collection and transportation of industrial waste shall channel all such waste through a materials recovery facility (MRF) licensed by the State of California. Such MRF may be located inside or outside the City of Lodi. It shall be the responsibility of the licensee to provide to the City on a quarterly basis all data and information on the waste stream volume required under State solid waste reduction statutes. Failure to provide such information may result in revocation of any permit issued under this division.

13.16.200. TRANSPORT BY GENERATOR OF INDUSTRIAL WASTE: EXEMPTION

Any person or firm generating industrial waste as defined in this chapter may choose to transport its own waste for disposal on the following conditions:

A. Self-hauler shall obtain a permit from the City, for which no fee will be charged.

B. All self-hauled industrial waste shall be channeled through a State-licensed Materials Recovery Facility (MRF).

C. No waste of any nature from any source other than industrial waste generated by the self-hauler may be transported under this section.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and

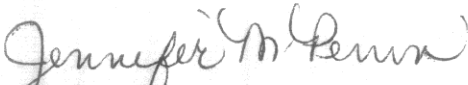
published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of January 1993



PHILLIP A. PENNINO
Mayor

Attest:



JENNIFER PERRIN
City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1561 was re-introduced at a regular meeting of the City Council of the City of Lodi held January 6, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held January 20, 1993 by the following vote:

Ayes:	Council Members - Davenport, Mann, Sieglock, Snider, and Pennino (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1561 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



JENNIFER PERRIN
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

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